

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern
Houston DISTRICT OF TEXAS
DIVISION

Brandon Jay Carter 02465830

Plaintiff's Name and ID Number

Harris County Jail

Place of Confinement

CASE NO.

(Clerk will assign the number)

v.

Houston Police Department 77002

Defendant's Name and Address

Defendant's Name and Address

Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: Sept. 17, 2020
 2. Parties to previous lawsuit:
Plaintiff(s) Brandon Jay Carter
Defendant(s) Harris County Sheriff's Office
 3. Court: (If federal, name the district; if state, name the county.)
 4. Cause number: 4:20-cv-03302 / 4:20-cv-03301
 5. Name of judge to whom case was assigned: Sim Lake / David Hittner
 6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed
 7. Approximate date of disposition: September 30th, 2020

I. II. PLACE OF PRESENT CONFINEMENT:

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

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I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: September 17, 2020

2. Parties to previous lawsuit:

Plaintiff(s) Brandon Jay Carter

Defendant(s) Harris County Sheriff's Office

3. Court: (If federal, name the district; if state, name the county.)

4. Cause number: 4:20-cv-03301

5. Name of judge to whom case was assigned: David Hittner

6. Disposition: (Was the case dismissed, appealed, still pending?) Still Pending

7. Approximate date of disposition: September 17, 2020

II. PLACE OF PRESENT CONFINEMENT: Harris County Sheriff's Office

Each complaint form submitted must be verified. Verification may be accomplished by declaration pursuant to Title 28 U.S.C. §1746 or notarization. The complaint forms have a verification statement printed at the bottom of page 4. By verification, you are attesting to the truthfulness of your allegations and contents of your complaint.

All complaint forms and copies must be identical. All information must be identical. Forms from other districts should not be submitted.

Do not write on the back of the complaint forms. If you need more space, use additional sheets of paper. Your complaint and all other pleadings/documents must be legibly handwritten or mechanically reproduced. With regard to any attachments, exhibits or motions submitted with the complaint, sufficient copies must be provided for each required copy of the complaint. These may be handwritten or mechanically reproduced. The Clerk does not provide unless a fee of \$0.50 per page is paid.

TITLE OF THE ACTION:

In the initial complaint, "the title of the action: (Brandon Jay Carter Plaintiff vs Houston Police Department, Defendant)" should include the names of all parties. See: Rule 10 (a), Federal Rules of Civil Procedure.

DEFENDANTS:

You must provide the Clerk with the complete name and address of each defendant. If the first name is unknown, provide an initial. Otherwise, the Clerk cannot prepare summons for issuance of service of process by the Marshal. See: Rule 4 (j) of the Federal Rules of Civil Procedure.

STATEMENT OF CLAIM:

You are required to give facts regarding your grievance. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

FILING FEE/FILING IN FORMA PAUPERIS:

The filing fee of \$ 150.00 should be paid by check or money order payable to the U.S.District CLERK. In addition the U.S. Marshal may require to pay the cost of serving the complaint on each defendant. The service fee of \$ 3.00 per defendant should be submitted on the clerk with the complaint.

If you are in prison or jail when you submit your application to proceed as a pauper ,you must attach a certified copy of your inmate trust fund account statement for six month period preceding the date that you are filing the complaint. If you are in TDCJ-ID, you may ask your law librarian for help in getting a copy of your account.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Brandon Jay Carter 701 N. San Jacinto

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Houston Police Department

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Evidence Tampering, Fraudulent Email, Audio torture, Civil conspiracy, and Excessive Use of Force

Defendant #2:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Brandon Jay Carter 701 N. San Jacinto Houston, Texas
77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Harris County Sheriff's Office

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Excessive Use Of Force, Civil Conspiracy, Aggravated Persuasion and Audio Torture

Defendant #2:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

As OF February 11, 2020 - October 6, 2020, It's been brought to my attention that my movements, [REDACTED] and voice have been tampered with as evidence. State-created danger, broadcasting misinformation, included masturbating claims, and complete unnecessary Excessive Use OF Force. My Pain and SUFFERing, Emotional Distress, Lost of Wages, Mental Anguish are major problems any human being will say "enough is enough." Malicious Accusations, Defamation of character, and Aggravated Perjury gives me train OF thought.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Bring forward compensatory OF Full Amount \$7 Trillion.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

N/A

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you

N/A

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied? YES NO

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

During my incarceration, it was brought to my attention, movements I made was tampered as evidence, on broadcast media. State-created danger, Excessive Unnecessary Force and Fraudulent emailing, when theirs no need. As of February 11, 2020 - October 7, 2020, allegations are [REDACTED] vague.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Bring Forward Full compensatory OF \$3 Billion.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

N/A

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

N/A

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied?

YES NO

CERTIFICATE

I, Brandon Jay (name) Carter, do hereby certify that a true and correct copy of the foregoing _____ (name of instrument) _____

has been served upon the defendant(s) by placing same in the U.S. Mail, addressed to

Houston Police Department (name and address of defendant(s) or counsel) 77002,

on 7th (date) Wednesday day of October (month) _____, (year) 20 20.

B. Carter (your signature) _____

Any pleading or other document submitted to the Clerk for filing which does not bear a proper Certificate of Service will be returned to the submitting party. All instruments (pleadings, letters, motions or other documents) pertaining to this case must be signed by all plaintiffs and must state the civil action number (case number).

IMPORTANT INFORMATION:

1. IF YOU DO NOT KEEP THE COURT ADVISED OF YOUR CURRENT ADDRESS, YOUR CASE MAY BE DISMISSED FOR WANT OF PROSECUTION.
2. Requests for any type of relief must be in the form of a proper motion, filed in a pending case. Please note that if you submit a letter requesting relief, it will not be treated as a proper motion.
3. It is improper to communicate directly with judges or magistrates concerning matters which are or may become a subject in their Court.
4. It is improper for Clerk, Judges, or Magistrates to give legal advice to litigants.
5. All documents and correspondence submitted to the Clerk must be on letter size paper (8 1/2 by 11 inches). Please do not use legal size (8 1/2 by 14 inches) paper.

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 10/7/10
DATE

B.Carter

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 7th day of October, 20 20.
(Day) (month) (year)

B.Carter

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

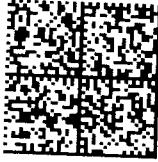
HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: Brandon Jay Carter
SPN: Q24658JC Cell: 311
Street 701 N. San Jacinto
HOUSTON, TEXAS 77002
aramark

United States Courts
Southern District of Texas

OCT 13 2020

David J. Bradley, Clerk of Court



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